

RESOLUTION NO. 21-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING OF A VESTING TENTATIVE PARCEL MAP FOR A 4-LOT PARCEL MAP ON A 29-ACRE SITE LOCATED ON THE NORTHERN INTERSECTION OF CONDIT ROAD AND HALF ROAD (DE PAUL – TC MORGAN HILL VENTURE (REDWOOD TECH AT 101)) (APNS 728-30-006 AND 728-30-009)

WHEREAS, on December 15, 2020, TC Morgan Hill Venture submitted an application for a vesting tentative parcel map (SD2020-0011: De Paul – TC Morgan Hill Venture) for the Redwood Tech at 101 project; and

WHEREAS, such request was considered by the Planning Commission at its meeting of May 25, 2021; and

WHEREAS, this project is consistent with the development projections analyzed in the Morgan Hill 2035 General Plan program EIR for the project site. The project also is designed to be consistent with the development standards in the General Plan and Zoning Code. No further environmental assessment is required; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The Vesting Tentative Parcel Map, together with its provisions for its design and improvements, is consistent with the General Plan and the zoning code.

SECTION 2. The Vesting Tentative Parcel Map as described herein is hereby approved. The proposed project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as Exhibit A, and by this reference incorporated herein.

PASSED AND ADOPTED THIS 25th DAY OF MAY 2021, AT A SPECIAL MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	HABIB, KUMAR, TANDA, GONZALEZ-ESCOTO, DOWNEY, MUNOZ-MORRIS
NOES:	COMMISSIONERS:	MUELLER

ABSTAIN: **COMMISSIONERS:** **NONE**

ABSENT: **COMMISSIONERS:** **NONE**

ATTEST:



JENNA LUNA, Deputy City Clerk

APPROVED:



MOHAMMAD HABIB, Chair

Date: 05/28/2021

**EXHIBIT "A"
STANDARD CONDITIONS**

**APPLICATION NO: SD2020-0011: DE PAUL – TC MORGAN HILL VENTURE
(REDWOOD TECH AT 101)**

**THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS
SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.**

Legend

MHMC= Morgan Hill Municipal Code
MHARH= Morgan Hill Architectural Review Handbook
CMH= City of Morgan Hill
CFC= California Fire Code

I. PROJECT DESCRIPTION

The project includes a Vesting Tentative Parcel Map to subdivide the project site into four parcels.

The project shall comply with all requirements of related project approvals granted by the City, including all of the following:

II. PROJECT CONDITIONS OF APPROVAL

This Tentative Parcel Map approval is limited to the plan set dated January 2021 on file (File Number SD2020-0011) with the Development Services Department. These documents, as amended by Design Review approval, show the location and sizes of all lots in this development, the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

The Parcel Map shall be in substantial compliance with the approved Tentative Map as determined by the City Engineer and Development Services Director.

PLANNING DIVISION

DEFENSE AND INDEMNITY

- A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The

City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

TIME LIMITS

- A. **Term:** The Tentative Parcel Map approval granted pursuant to this Resolution shall remain in effect for two years to May 25, 2023. Failure to apply for Parcel Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Development Services Department/Planning Commission prior to the expiration date. **(MHMC 17.20.170; 17.24.110)**

SITE DEVELOPMENT

- A. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601) and CP 94-13.

HABITAT PLAN

- A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**

- C. **Conditions:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). **(MHMC 18.132)**

CULTURAL RESOURCES

- A. **Significant historic or archaeological materials:** This project has been determined not to be in a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map, but nonetheless could adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply and should be provided as standard conditions on the building permit, grading permit, or improvement plans. If human remains are discovered, it is probable they are the remains of Native Americans.
1. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
 2. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground-stone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
 3. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these

protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).

4. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
5. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
6. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC.
7. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
8. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
9. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
10. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If

mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

GENERAL

- A. Recordation of Map: The recordation of the parcel map shall not be completed until approval of the Design Review Permit is completed.
- B. Signed copies of Resolution: Submit two (2) signed copies of this Resolution to the Planning Division prior to issuance of building permits.

ENGINEERING DIVISION

PROJECT SPECIFIC ENGINEERING CONDITIONS

- A. Street and Utility Improvements:
 - 1. Coordination with Adjacent Residential Project: The developer shall coordinate the De Paul Drive improvements and sanitary sewer improvements with the project known as "The Crosswinds Project" located on the east side of De Paul Drive (APNs: 728-30-001, -002, -003, & -004) and owned by Dividend Homes.
 - i. Prior to parcel map approval, the developer shall obtain the necessary right-of-way on De Paul Drive (and construction easement, if required) from Dividend Homes' Crosswinds Project.
 - 2. De Paul Drive: Construct De Paul Drive to comply with the City's half street (2/3 street) standards along the west side of De Paul Drive from Cochrane Road to the proposed cul-de-sac next to Half Road (includes the frontage along the Lands of Lee with APN: 728-30-008) to the satisfaction of the City Engineer.
 - i. Install and dedicate the required street improvements at De Paul Drive to have a straight road alignment with a minimum 46' right-of-way width and a minimum 36' pavement width from face of curb along the unimproved section of De Paul Drive to the new cul-de-sac next to Half Road.
 - ii. The City will quitclaim approximately 19' of right-of-way along the De Paul Drive frontage of APN: 728-30-009.
 - iii. The developer shall dedicate 36' right-of-way width in fee to the City for public street purposes along the De Paul Drive frontage of APN: 728-31-014 and dedicate a 10' wide Public Service Easement (PSE) behind the proposed property line.
 - iv. The project's right-of-way dedication and quitclaim shall be shown on the parcel map.
 - v. The street improvements shall include, but are not limited to, curb and gutter, sidewalk, landscaping, full cul-de-sac at the southerly end of De

- Paul Drive next to Half Road, street paving, utilities, undergrounding, stormwater post-construction facilities, and street lighting.
- vi. The project shall construct City standard sidewalk along the west side of De Paul Drive from Cochrane Road to the proposed cul-de-sac next to Half Road to provide a continuous pedestrian connection from the project site to Cochrane Road.
 - 1) The project has an option to construct a temporary asphalt sidewalk along the frontages of the future Phase 2 Project and the Lands of Lee (APN: 728-30-008)
 - vii. The project's two northerly driveways at De Paul Drive are proposed to have widths that exceed the City standard maximum industrial driveway width of 36' to allow truck access/maneuvering.
 - 1) At improvement plan/building permit stage, submit an additional truck turning template using the ultimate street width of De Paul Drive for City Engineer review.
 - viii. At improvement plan/building permit stage, revise the De Paul Drive street cross-sections to match the 2/3 street width.
3. Half Road: The developer shall construct Half Road to comply with City standards along the north side of the project's Half Road frontage to the satisfaction of the City Engineer.
- i. Install and dedicate the required street improvements at Half Road. The street improvements shall include, but are not limited to, curb and gutter, sidewalk, landscaping, street paving, utilities, stormwater post-construction facilities, and street lighting.
 - ii. The developer shall dedicate right-of-way in fee to the City for public street purposes at a width of 36' from centerline along the Half Road frontage of APN: 728-30-009 and dedicate a 10' wide PSE behind the proposed property line.
 - iii. Extend the new sidewalk along the project's Half Road frontage westerly up to the Madrone Channel/Trail entrance. The design of the sidewalk and compliance with Valley Water's access requirements to Madrone Channel will be reviewed at improvement plan/building permit stage.
4. Cochrane Road: Construct the ultimate width of Cochrane Road along the project's frontage to comply with the City's arterial street standards to the satisfaction of the City Engineer.
- i. Install and dedicate the required street improvements at Cochrane Road. The street improvements shall include, but are not limited to, curb and gutter, sidewalk, dedicated right-turn pocket along eastbound Cochrane Road, landscaping, street paving, utilities, stormwater post-construction facilities, and street lighting.
 - ii. The developer shall dedicate a minimum of 60' of right-of-way from the centerline of Cochrane Road for public street purposes along the

Cochrane Road frontage of APN: 728-31-014 and dedicate a 10' wide PSE behind the proposed property line.

- iii. At improvement plan//building permit stage, revise plans to show the number of streetlights and spacing along Cochrane Road to comply with City standards. Per City standards, streetlight spacing for arterials is 160' to 180' and streetlight location shall be directly opposite the existing streetlight on the north side of Cochrane Road.
 - iv. At improvement plan//building permit stage, submit a traffic signal modification plan for the Cochrane Road/De Paul Drive intersection. The plan shall include the relocation or replacement of the two existing traffic signal poles on the southwest corner of the intersection, signal phasing, and the proposed striping plans.
5. Utilities: The City's Water System Master Plan, Storm Drainage System Master Plan, and Sewer System Master Plan identified proposed improvements along De Paul Drive and Half Road.
- i. Storm Improvements:
 - 1) The project shall construct a 48" to 54" storm main along the project's Half Road frontage per the City's Storm Master Plan.
 - 2) Provide a minimum 20' wide additional PSE centered over the portion of the proposed storm drain main located west of Condit Road. The PSE shall be reviewed at parcel map stage.
 - 3) The developer shall continue to work with the City and Valley Water to review the design conditions of the PL-566 project and shall revise the on-site drainage plans at improvement plan stage, as needed, to the satisfaction of the City Engineer.
 - 4) Per the notes on the project's Vesting Tentative Parcel Map, the site is in Flood Zone "X- Shaded" and Flood Zone "AE" as shown on the FEMA Flood Insurance Rate Maps. Depending on the results of Valley Water's updated hydrology model, the project may be required to submit a Letter of Map Revision (LOMR) to FEMA or other appropriate documentation to update the flood zone for the site and designate the entire site to be entirely within Flood Zone "X-Shaded", an area defined as outside the 100-year floodplain.
 - 5) A segment of the proposed 24" storm main along De Paul Drive shows a manhole spacing that exceeds the City standard maximum spacing of 400' for 15" to 30" storm pipe diameters. At improvement plan/building permit stage, revise storm manhole spacing to comply with City standards.
 - 6) At improvement plan/building permit stage, revise the pipe size of the following to the minimum size of 15-inch diameter per City standard:
 - a) Proposed 12" storm main segment at De Paul Drive, between Sta. 16+00 and Sta. 18+00.
 - b) Proposed 12" storm lateral at Half Road, near Sta. 5+40.
 - c) Proposed 12" storm laterals at De Paul Drive.

- ii. Water Improvements: At improvement plan/building permit stage, revise the plans to comply with the following:
 - 1) Extend the existing 12" public water main from the southerly terminus of De Paul Drive to Half Road per the City's Water System Master Plan. The water main extension shall be public.
 - 2) At improvement plan/building permit stage, show each of the five buildings with a dedicated domestic, irrigation and fire services connected to a public water main.
 - 3) The Utility Plans show the domestic water service for two parcels (Parcels C & D) crossing other parcels. Service for Parcel D crosses Parcel A and service for Parcel C crosses Parcel B. At parcel map review stage, add private utility easements for the water services on Parcels A and B.
 - 4) Detailed review of the water service configurations, water lateral, meter and backflow preventer locations will be performed at improvement plan/building permit stage and will be subject to City Engineer approval.

- iii. Sanitary Sewer Improvements: Based on the proposed amendment to the City's Sewer Master Plan, a sewer flow re-route into the Condit Road Sewer Trunk will be a required sewer master plan improvement for the project.
 - 1) Install a 10" sanitary sewer gravity main beginning at De Paul Drive, approximately 540' south of Cochrane Road; then continue in a southbound direction to Half Road; then west along Half Road up to Condit Road; then follow Condit Road and end at a connection to the existing 10" sewer main at Main Avenue.

 - 2) At improvement plan/building permit stage, revise the plans to comply with the following:
 - a) On Sheet 6.5 (Preliminary Street Improvement Sections - Sections G & H), show the new 10" sanitary sewer main at Half Road to be constructed by the project.
 - b) Show a minimum horizontal clearance of 10' from the existing Valley Water groundwater recharge line.

 - 3) Prior to parcel map approval/building permit issuance, the project shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains, sewer laterals, force main and lift station.

 - 4) A sanitary sewer test manhole shall be provided for each of the five buildings and shall be accessible to the Pretreatment Inspector. The

sanitary sewer test manholes shall be located within private property but adjacent to the street right-of-way or as approved by the City Engineer in conjunction with Pretreatment Inspector review.

6. Reimbursement Agreement: Prior to parcel map approval, the developer shall enter into a Reimbursement Agreement with the City for the reimbursement of the applicable portions of the cost to construct the following improvements that are beyond the developer's responsibility as determined by the City Engineer:
- i. De Paul Drive and Half Road street improvements
 - ii. Traffic signal improvements at the intersection of Cochrane Road & De Paul Drive
 - iii. Storm improvements at Half Road per City's Storm Master Plan including the proposed outfall to Madrone Channel. The developer will be reimbursed for the cost to upsize the storm main above 24" per the City's Storm Master Plan.
 - iv. Sanitary sewer improvements per the City's Sewer Master Plan with the cost based on a sewer cost allocation to be agreed upon by the City, project developer and by Dividend Homes for the Crosswinds Project. The developer will be reimbursed for the cost to upsize the sewer main from 8" (developer's responsibility) to 10" per the proposed amendment to City's Sewer Master Plan.

STANDARD ENGINEERING CONDITIONS

I. GENERAL

- A. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the project and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Parcel Map. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**
- C. Obtain necessary encroachment permits from:
- City of Morgan Hill
 - County of Santa Clara Roads & Airports
 - Santa Clara Valley Water District (Valley Water)
- and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- D. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.

- E. Enter into a Subdivision Improvement Agreement (SIA) with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- F. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. **(MHMC 17.20.350 H)**
- G. **Impact Fees:** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

II. STREET IMPROVEMENTS

- A. **Public and Private Streets:** The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. **(MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)**
- B. **Installation and Dedication of Streets:** The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**
- C. **Underground existing utilities:** All existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**

III. SANITARY SEWER SYSTEM

- A. **Design of Sewer Improvements:** The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each parcel. These are to be installed by the developer. **(MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)**
- B. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. **(MHMC 13.24.060; 17.32.20 C)**

IV. STORM DRAIN SYSTEM

- A. **Storm Drainage Study:** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. **Storm Drainage Design:** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Design Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**
- C. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
- D. **Storm Drainage General Requirements:** Prior to issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.

1. Storm drain calculations to determine detention/retention pond sizing and operations.
2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control. **(CMH Design Standards and Standard Details for Construction)**

- E. **Valley Water Dedications:** Where the project adjoins existing Valley Water storm drain facilities, applicant shall obtain dedication(s) of all necessary easement or right-of-way to accommodate established ultimate facilities master plan.
- F. **Tree Protection:** BMP Tree protection shall be part of the SWPPP inspections.
- G. **NPDES Construction Activity General Permit/SWPPP Requirements:** As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities **(SWRCB NPDES General Permit CA000002)**.
- H. **NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:**
1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
 2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
 3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
 4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.

5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Public Works Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Public Works). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Public Works (public right-of-way issues) inspectors, respectively.
6. Prior to rain events, BMPs not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
8. Other non-compliance issues need to be addressed within a 24-hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.
10. BMPs maintenance/inspections shall include tree protection if applicable.

V. WATER SYSTEM

- A. **Domestic Water System:** The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)**
- B. **Water well abandonment:** Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (Valley Water) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with Valley Water and either be maintained or abandoned in accordance with Valley Water standards.
- C. **Water line extension:** Install water line extension on the proposed public streets and/or private streets. **(MHMC 17.32.020 A & D; CMH Water System Master Plan)**
- D. **Water Meters:** Provide separate water services and meters for each parcel. These are to be installed by developer. **(MHMC 17.32.020 D)**
- E. Provide separate fire service and double detector check with FDC per City standard detail W-8 for each parcel.

VI. OTHER CONDITIONS

- A. **Easement Dedications:** The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- B. **Undergrounding new utilities:** The applicant shall cause the design and construction required to underground all electric, gas, Cable TV, and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. **(MHMC 17.32.020 E.1)**
- C. **Parcel Map:** For minor subdivision (4 lots or less), the parcel map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. **(MHMC 17.20.390; 17.24.210)**

VII.NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **Stormwater Management Guidance Manual for Low Impact Development State Water Resources Control Board Post Construction Requirements (PCRs):** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
 - 1. Performance Requirement 1: Site Design and Runoff Reduction
 - 2. Performance Requirement 2: Water Quality Treatment
 - 3. Performance Requirement 3: Runoff Retention
 - 4. Performance Requirement 4: Peak Management
- B. **Peak Storm Water Runoff Discharge Rates:** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- C. **Provide Storm Drain System Stenciling and Signage:** Storm drain stencils are highly visible source controls that are typically placed directly adjacent to

storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.

D. Design Standards for Structural or Treatment Control BMPs: The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow- based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

1. Volumetric Treatment Control BMP

- a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
- b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
- c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

2. Flow Based Treatment Control BMP

- a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
- b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

E. Stormwater Runoff Management Plan (SWRMP) required: The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.

1. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.

2. The City Engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.
3. Each certifying civil engineer shall establish to the City's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.
4. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.

F. Stormwater BMP operation, maintenance, and replacement responsibility

1. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' association or other legal entity approved by the city.
2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
3. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

G. Stormwater BMP operation and Maintenance Agreement (SWBOMA)

required: Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City standard Stormwater BMP Operation and Maintenance Agreement to be provided by Land Development Engineering at improvement plan/building permit stage).

H. Stormwater BMP inspection responsibility

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **Registered Civil Engineer (RCE)**.
2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;

- b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.
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- I. **Records of maintenance and inspection activities:** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.

 - J. **Annual Certification of SWRMP:** On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.